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IAP13 Rec'd PCT/PTO 29 DEC 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

JEHA et al.

Atty. Ref.: 4398-207

Serial No. 10/533,940

TC/A.U.: unknown

Filed: 4 May 2005

Examiner: Unknown

For: BREATHABLE GAS APPARATUS WITH HUMIDIFIER

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December 29, 2006

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RECEIVED
10 JAN 2007
Legal Staff
International Division

PETITION TO EXTEND

Petition is hereby made to extend the life of the above-entitled application for one month from the due date of December 2, 2006, of the Decision on Petition Under 37 CFR 1.497(a) & (b) dated Official Action dated October 2, 2006.

An extension fee of \$120.00 is now attached in order that a Response to Decision on Petition Under 37 CFR 1.497(a) & (b) may be filed herewith.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Paul T. Bowen
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JEHA et al.

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Sir:

RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.497(a) & (b)

On May 24, 2006, Applicants filed a Response to Decision and Petition Fee under 37 CFR §1.47(a). Included with that Petition was a Rule 63 Declaration signed by all inventors except for inventor Marek Tomasz Sapula. The Petition Under 37 CFR §1.47(a) was dismissed without prejudice, since the Petitioner had allegedly not demonstrated that a complete copy of the application papers were presented to inventor Sapula.


Attached hereto is the Rule 63 Declaration which has also been signed by inventor Sapula. Accordingly, Applicants respectfully submit that the Petition Under 37 CFR §1.47(a) is not necessary since all inventors have now, in fact, signed the Declaration. Accordingly, Applicants respectfully request a Notification of Acceptance and an Official Filing Receipt reflecting that the application is complete and ready for examination on the merits.

Applicants believe that no fee is required for consideration of this Response, however, should the U.S. Patent and Trademark Office determine otherwise, authorization is hereby granted to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 4398-207-PTB.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Paul T. Bowen
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Attachment:
Rule 63 Declaration (21 pages)

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